

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID FUENTES, SR.,
Plaintiff,

v.

MULE CREEK STATE PRISON, et al.,
Defendants.

No. 2:23-cv-0386 KJN P

ORDER

Plaintiff is a former state prisoner, proceeding pro se and in forma pauperis. On March 9, 2023, plaintiff's complaint was dismissed, and he was granted thirty days in which to file an amended complaint. On April 5, 2023, plaintiff submitted a document which appears to be a photocopy of the first five pages of his original complaint. The sixth page is a copy of the signature page from his request to proceed in forma pauperis. (Compare ECF No. 2 at 2 to ECF No. 5 at 6). Plaintiff is advised that the April 5, 2023 filing is not a complete pleading and does not comply with the March 9, 2023 order.

Plaintiff is granted thirty days in which to file an amended complaint that is complete and complies with the March 9, 2023 order. Plaintiff is cautioned that failure to timely comply with these court orders will result in a recommendation that this action be dismissed.

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Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's April 5, 2023 filing (ECF No. 6) is stricken as incomplete and improper.

2. Within thirty days from the date of this order, plaintiff shall complete the attached Notice of Amendment and submit the following documents to the court:

a. The completed Notice of Amendment; and

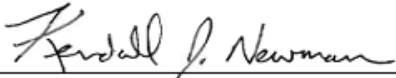
b. An original of the Amended Complaint.

Plaintiff's amended complaint shall comply with the March 9, 2023 order, the requirements of the Civil Rights Act, the Federal Rules of Civil Procedure, and the Local Rules of Practice. The amended complaint must also bear the docket number assigned to this case and must be labeled "Amended Complaint."

Failure to file an amended complaint in accordance with this order will result in a recommendation that this action be dismissed.

3. The Clerk of the Court is directed to send plaintiff the form for filing a civil rights complaint by a prisoner.

Dated: April 20, 2023


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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NOTICE OF AMENDMENT

Plaintiff hereby submits the following document in compliance with the court's order
filed _____.

DATED: _____

Amended Complaint

Plaintiff